

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

A & G GOLDMAN PARTNERSHIP and  
PAMELA GOLDMAN,

Defendants.

Adv. Pro. No. 14-02407 (SMB)

CAPITAL GROWTH COMPANY, et al.,

Plaintiffs,

v.

PAMELA GOLDMAN and A & G GOLDMAN  
PARTNERSHIP ,

Defendants.

Adv. Pro. No. 14-02408 (SMB)

**ORDER REGARDING MOTION TO DISMISS COMPLAINT**

Upon the motion, dated December 22, 2014 (the “Motion to Dismiss”) [Adv. Pro.  
No. 14-02408; Docket No. 16], of A&G Goldman Partnership and Pamela Goldman

(collectively, the “Goldman Parties”), seeking to dismiss the complaint filed by the Picower Parties<sup>1</sup> (the “Complaint”) [Adv. Pro. No. 14-02408; Docket No. 1], and the opposition of the Picower Parties to the Motion to Dismiss filed on January 29, 2105 [Adv. Pro. No. 14-02407; Docket No. 27]; and the Court having jurisdiction to consider the Motion to Dismiss and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334 and 15 U.S.C. § 78eee(b)(4); and consideration of the Motion to Dismiss and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion to Dismiss having been provided to all parties entitled to notice in the above-captioned consolidated adversary proceedings, and it appearing that no other or further notice need be provided; and a hearing having been held on February 5, 2015, to consider the relief requested in the Motion to Dismiss (the “Hearing”); and the appearances of all interested parties having been noted in the record of the Hearing; upon the record of the Hearing, and all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED** that Count Two of the Complaint shall be amended to reflect only a request to deny the Goldman Parties leave to re-plead any complaint against the Picower Parties in the event that the Court determines that the Goldman Parties are enjoined from proceeding with the action captioned *Goldman v. Capital Growth Co., et al.*, Case No. 9:14-cv-81125-KAM (S.D. Fla.); and it is further

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<sup>1</sup> The “Picower Parties” refers to Capital Growth Company; Decisions, Inc.; Favorite Funds; JA Primary Limited Partnership; JA Special Limited Partnership; JAB Partnership; JEMW Partnership; JF Partnership; JFM Investment Companies; JLN Partnership; JMP Limited Partnership; Jeffry M. Picower Special Company; Jeffry M. Picower, P.C.; The Picower Foundation; The Picower Institute of Medical Research; The Trust f/b/o Gabrielle H. Picower; Barbara Picower, individually and as Executor of the Estate of Jeffry M. Picower, and as Trustee for the Picower Foundation and for the Trust f/b/o Gabrielle H. Picower.

**ORDERED** that, with that amendment to Count Two of the Complaint, the  
Motion to Dismiss is denied.

Dated: February 13<sup>th</sup>, 2015  
New York, New York

/s/ STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE